



Senate

General Assembly

February Session, 2000

File No. 40

Senate Bill No. 67

Senate, March 10, 2000

The Committee on Labor and Public Employees reported through SEN. PRAGUE of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

An Act Concerning Permanent Partial Disability Benefits.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Subsection (b) of section 31-308 of the general statutes is repealed
2 and the following is substituted in lieu thereof:

3 (b) With respect to the following injuries, the compensation, in
4 addition to the usual compensation for total incapacity but in lieu of all
5 other payments for compensation, shall be seventy-five per cent of the
6 average weekly earnings of the injured employee, calculated pursuant
7 to section 31-310, after such earnings have been reduced by any
8 deduction for federal or state taxes, or both, and for the federal
9 Insurance Contributions Act made from such employee's total wages
10 received during the period of calculation of the employee's average
11 weekly wage pursuant to said section 31-310, but in no case more than
12 one hundred per cent, raised to the next even dollar, of the average
13 weekly earnings of production and related workers in manufacturing
14 in the state, as determined in accordance with the provisions of section

15 31-309, or less than fifty dollars weekly. All of the following injuries
 16 include the loss of the member or organ and the complete and
 17 permanent loss of use of the member or organ referred to:

T1	MEMBER	INJURY	WEEKS OF COMPENSATION
T2			
T3			
T4	Arm		
T5	Master arm	Loss at or above	
T6		elbow	208
T7	Other arm	Loss at or above	
T8		elbow	194
T9	Hand		
T10	Master hand	Loss at or above	
T11		wrist	168
T12	Other hand	Loss at or above	
T13		wrist	155
T14	One leg	Loss at or above	
T15		knee	155
T16	One foot	Loss at or above	
T17		ankle	125
T18	Hearing		
T19		Both ears	104
T20		One ear	35
T21	One eye		
T22		Complete and	
T23		permanent loss of	
T24		sight in, or	
T25		reduction of sight	
T26		to one-tenth or	
T27		less of normal	
T28		vision	157
T29	Thumb*		
T30		On master hand	63
T31		On other hand	54
T32	Fingers**		
T33		First finger	36
T34		Second finger	29
T35		Third finger	21

T36		Fourth finger	17
T37	Toes*		
T38		Great toe	28
T39		Other toes	9
T40	Back		Number of weeks
T41			which the
T42			proportion of
T43			incapacity
T44			represents to a
T45			maximum of 374
T46			weeks.
T47	Heart		520
T48	Brain		520
T49	Carotid artery		520
T50	Pancreas		416
T51	Liver		347
T52	Stomach		260
T53	Loss of bladder		233
T54	Speech		163
T55	Lung		117
T56	Cervical spine		117
T57	Kidney		117
T58	Rib cage	Bilateral	69
T59	<u>Ovary</u>		<u>35</u>
T60	Testis		35
T61	Mammary		35
T62	Nose	Sense and respiratory	
T63		function	35
T64	Jaw	Mastication	35
T65	<u>Uterus</u>		<u>35-104</u>
T66	<u>Vagina</u>		<u>35-104</u>
T67	Penis		35-104
T68	Coccyx	Actual removal	35
T69	Sense of smell		17
T70	Sense of taste		17
T71	Spleen	In addition to scar	13
T72	Gall bladder		13
T73	Tooth	Minimum	1
T74	Loss of drainage duct		
T75	of eye		

T76	(If corrected by	
T77	prosthesis)	17 for each
T78	Loss of drainage	
T79	duct of eye	
T80	(If uncorrected by	
T81	prosthesis)	33 for each
T82	Pelvis	percentage of back

18 *The loss or loss of use of one phalanx of a thumb shall be construed
19 as seventy-five per cent of the loss of the thumb.

20 **The loss or loss of use of one phalanx of a finger shall be construed
21 as fifty per cent of the loss of the finger. The loss of or loss of use of
22 two phalanges of a finger shall be construed as ninety per cent of the
23 loss of the finger.

24 ***The loss or loss of use of one phalanx of a great toe shall be
25 construed as sixty-six and two-thirds per cent of the loss of the great
26 toe. The loss of the greater part of any phalanx shall be construed as
27 the loss of a phalanx and shall be compensated accordingly.

28 If the injury consists of the loss of a substantial part of a member
29 resulting in a permanent partial loss of the use of a member, or if the
30 injury results in a permanent partial loss of function, the commissioner
31 may, in [his] the commissioner's discretion, in lieu of other
32 compensation, award to the injured employee the proportion of the
33 sum provided in this subsection for the total loss of, or the loss of the
34 use of, the member or for incapacity or both that represents the
35 proportion of total loss or loss of use found to exist, and any voluntary
36 agreement submitted in which the basis of settlement is such
37 proportionate payment may, if otherwise conformable to the
38 provisions of this chapter, be approved by the commissioner in [his]
39 the commissioner's discretion. Notwithstanding the provisions of this
40 subsection, the complete loss or loss of use of an organ which results in
41 the death of an employee shall be compensable pursuant only to

42 section 31-306.

LAB Committee Vote: Yea 11 Nay 0 JF

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Minimal Cost (Workers' Compensation Administration Fund, General Fund, Special Transportation Fund, and Second Injury Fund)

Affected Agencies: Workers' Compensation Commission, State Treasurer (Second Injury Fund), Various State Agencies

Municipal Impact: Minimal Cost

Explanation

State and Municipal Impact:

The passage of this bill would result in additional costs to the Workers' Compensation Commission (Workers' Compensation Administration Fund), to the Second Injury Fund (State Treasurer), and to the state and municipalities as employers that are anticipated to be minimal. The Workers' Compensation Commission estimates its annual costs to be less than \$1,000, and the Second Injury Fund estimates its costs for benefits and administration to be less than \$100,000. The bill adds a woman's reproductive organs to the statutory list of injuries for which workers may receive permanent partial disability benefits under the workers' compensation system. Few additional cases are anticipated at this time. While men's reproductive organs are currently on the list, less than 10 disability

awards are made per year.

OLR Bill Analysis

SB 67

AN ACT CONCERNING PERMANENT PARTIAL DISABILITY BENEFITS.**SUMMARY:**

This bill adds injury to a woman's reproductive organs to the statutory list of injuries for which workers may receive permanent partial disability benefits under the workers' compensation system. Specifically, it adds the ovaries, uterus, and vagina. Men's reproductive organs are already on the list.

It provides 35 weeks of benefits for injury to the ovary (which equals the benefit duration for injury to the testis) and between 35 and 104 weeks of benefits for injury to the uterus and vagina (which equals the benefit duration for injury to the penis).

EFFECTIVE DATE: October 1, 2000

BACKGROUND***Permanent Partial Disability Benefits***

These benefits are for loss of a body part or reduction of function in a body part. The duration of awards is set in statute.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Report

Yea 11 Nay 0